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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANTS: Pittenger, *et al.*  
SERIAL NO: 10/690,435  
FILED: October 21, 2003  
EXAMINER: Sajjadi ART UNIT: 1633  
FOR: Cardiac Muscle Regeneration Using Mesenchymal Stem Cells  
ATTY DKT NO.: 640100.470 CUSTOMER NO.: 27162

INFORMATION DISCLOSURE STATEMENT

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

SIR:

Pursuant to 37 C.F.R. §1.56(a), Applicant(s) hereby cite(s) the enclosed documents listed on the attached copy of Form PTO-1449, which may be material to the patentability of the above-identified application. Applicant(s) make no admission that the cited references are prior art or that these references are in fact material to the patentability of the above-entitled application.

This Information Disclosure Statement is filed in accordance with the paragraph of 37 CFR §1.97 indicated below:

\_\_\_§1.97(b) This Information Disclosure Statement is filed:

- (1) Within three months of the filing date of a national application; OR
- (2) Within three months of the date of entry of the national stage of an international application; OR
- (3) Before the mailing of a first Office Action on the merits.  
No fee or statement is required.

X   §1.97(c) This Information Disclosure Statement is filed after the period specified in paragraph (b) above, but before the mailing date of either:

- (1) A Final Action or under 37 CFR §1.113; OR
- (2) A Notice of Allowance under 37 CFR §1.311; AND

is accompanied by either: (check one)

       The statement as specified in 37 CFR §1.97(e) set out below; OR

  X   The fee of \$180.00 under 37 CFR §1.17(p).

       §1.97(d) This Information Disclosure Statement is filed after the mailing date of either:

- (1) a Final Action or under 37 CFR §1.113; OR
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BUT filed on or before payment of the Issue Fee; AND

is accompanied by:

- (1) The statement as specified in 37 CFR §1.97(e) as set forth below; AND
- (2) Petition is hereby made under 37 CFR §1.97(d) for consideration of this Information Disclosure Statement; AND,
- (3) The petition fee of \$180.00 set out in 37 CFR §1.17(i).

       §1.97(e) The undersigned Attorney hereby states that:

       each item of information contained in this Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing date of this Information Disclosure Statement;

or

       no item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application, or to the knowledge of the undersigned Attorney after making reasonable inquiry, was known to any individual designated in 37 CFR §1.56(c) more than three months prior to the filing date of the Information Disclosure Statement.

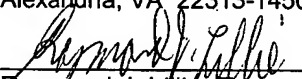
The Examiner is respectfully requested to consider and make of record all of the cited documents.

The Commissioner is authorized to charge payment of any fees associated with this communication or credit any overpayment to Deposit Account No. 03-0678.

**FIRST CLASS CERTIFICATE**

I hereby certify that this correspondence is being deposited on the date set forth below with the U.S. Postal Service as First Class Mail, postage prepaid, in an envelope addressed to:

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Raymond J. Lillie, Esq.      1/3/07      Date

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Respectfully submitted,

  
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PTO/SB/08A (09-06)

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Substitute for form 1449/PTO  <b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>  <i>(Use as many sheets as necessary)</i>		<b>Complete if Known</b>		
		Application Number	10/690,435	
		Filing Date	10/21/03	
		First Named Inventor	Pittenger	
		Art Unit	1633	
		Examiner Name	Sajjadi	
Sheet		of	Attorney Docket Number	640100 - 470

NON PATENT LITERATURE DOCUMENTS			
Examiner Initials*	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T <sup>2</sup>
		PFEFFER, et al., <u>Circulation</u> , Vol. 81, pgs. 1161-1172 (1990)	
		PARMLEY, et al., <u>West J. Med.</u> , Vol. 154, pgs. 427-441 (April 1991)	
		DALTON, et al., <u>J. Cell. Biochem.</u> , Supp. 17E, Abstract R 202 (March 21, 1993)	
		SAITO, et al., <u>Tissue Engineering</u> , Vol. 1, No. 4, pgs. 327-343 (1995)	
		CHIU, et al., <u>Ann. Therac. Surg.</u> , Vol. 60, pgs. 12-18 (1995)	

Examiner Signature		Date Considered	
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\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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